

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Juan Humberto Castillo Alvarez,

Civil No. 10-4263 (PAM/JJG)

Plaintiff,

v.

**ORDER**

Sherry E. Haley, acting as Jackson  
County Attorney,

Defendant.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeanne J. Graham dated February 9, 2011. In the R&R, Magistrate Judge Graham reviewed Plaintiff’s Complaint seeking relief under 42 U.S.C. § 1983 (Docket No. 1), and amended application to proceed in forma pauperis (Docket No. 4), pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1. The Magistrate Judge’s review satisfies this Court’s initial screening function under 28 U.S.C. § 1915A. Plaintiff has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 7).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Report and Recommendation (Docket No. 7) is **ADOPTED**;
2. Plaintiff’s Amended Application to Proceed in forma pauperis (Docket No. 4) is **DENIED**;
3. This action is summarily **DISMISSED WITH PREJUDICE** pursuant to 28

U.S.C. § 1915A(b)(2);

4. Plaintiff is required to pay the unpaid balance of the filing fee, namely \$332.00, in accordance with 28 U.S.C. § 1915(b)(2); and
5. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: Monday, March 7, 2011

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge